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BUCHANAN INGERSOLL, P.C. ONE OXFORD CENTRE, 301 GRANT STREET 20TH FLOOR PITTSBURGH, PA 15219			NGUYEN, TAN D	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/764,787

Applicant(s)

SCHWARTZ ET AL.

Examiner

Tan Dean D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 58-102 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 58-102 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/05 &amp; 7/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 9/13/05 has been entered.

### ***Response to Amendment***

Amendment filed 7/7/05 has been entered. Claims 1-57 have been canceled. Claims 58-102 are active and are rejected as followed.

### ***Double Patenting***

2. Claims 58-102 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-114 of copending Application No. 09/740,761. Although the conflicting claims are not identical, they are not patentably distinct from each other because current claim 58 reads over claim 1 of 09/740,761.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 102 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter (the claim is not one of the elements above (1) process (or method), (2) machine (apparatus), (3) manufacture (product), and (4) composition. A program product (software) does not belong to any of the subject matter mentioned. It's recommended that applicant amend the claim to "A computer-readable medium (disk) containing program (code) for instructing a computer to ...".

### ***Claim Rejections - 35 USC § 112***

5. Claims 58-81 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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(1) In claim 58, line 14, the term "and" is vague and indefinite since there is another term "and" on line 17 for connecting the last step.

6. (2) In claim 58, line 18 (last line), recites the limitation "the virtual plaques".

There is insufficient antecedent basis for this limitation in the claim. On line 14, there is just one plaque "a virtual plaque".

(2) Dependent claims 65-67 recites the limitation "the newly-recruited members" in line 1. There is insufficient antecedent basis for this limitation in the claim.

**(3) Claim Rejections - 35 USC § 102**

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claim 102 is rejected under 35 U.S.C. 102(b) as being anticipated by www.redcross.org (Jan. 25, 1999).**

As for independent program claim 102, it's rejected over the program to carry out the www.redcross.org of Jan. 25, 1999.

As for the remaining limitation in the preamble and the steps (a) hosting ... (j) displaying team ranks, these are non-functional data thus carrying no patentable weight. Note to receive patentability, it's recommended that claim is changed to a product claim such as "A computer-readable medium containing program codes, wherein said codes, when executed by a computer, **cause the computer to perform the following steps:** (a) –(e)".

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***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. This application currently names joint inventors (5). In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. **Claims 58-81 (method<sup>1</sup>), 82-101 (apparatus<sup>1</sup>), 102 (program<sup>1</sup>) are rejected (1<sup>st</sup> time) under 35 U.S.C. 103(a) as being unpatentable over (1) COSTIN IV, et al**

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**(US 2002/0049816) in view of (2) SMITH et al (Article “The Impact ... Charitable marketing effectiveness, Summer1996”) and (3) Article “BT: Sheryl Gascoigne ...Swimathon ’99 (hereafter as “BT Article”) or (4) Article “Leukaemia Busters Fundraising week, June-July 1999 (hereafter as “LEUKAEMIA Article”).**

13. **As for independent method<sup>1</sup> claim 58**, COSTIN, IV et al discloses a method for conducting a fundraising campaign by an organization over a wide-area network comprising the steps of:

a) hosting a website including a plurality of linked web pages, the website providing information about the fundraising campaign and soliciting potential donors to make a charitable contribution to the fundraising campaign {see Fig. 2, [0010, 0066]}

b) registering, by a solicitor, on the website {see Fig. 2, [0070], [0080]},

c) contacting, by the solicitor, a 3<sup>rd</sup> party via email messages soliciting charitable donations, and

d) providing information, i.e. report, on the website, about fundraising campaign parameters such as status of donations, goals, start/end dates {see Fig. 3, 20}

e) providing a link to a personal donation page in the email messages, the personal donation page having the name and personal campaign goal of the solicitor {see [0010], [0082]},

f) receiving a charitable contribution via the website, i.e. personal donation page {see [Fig. 11]}; and

g) displaying one web page about the donor (donor highlights) and

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h) displaying fundraising campaign statistics/results (or tracking performance) such as bringing up to-date (or updating) campaign statistics, i.e. "*to-date donation amount*", "*goals* (number of donors, dollar amount (\$) by stages, etc.",

{see Fig. 6, or 12 "*Donation-to-date:*" or "*To Date:*", or

Fig. 13, last paragraph "*login and track the progress of your campaign! See who has donated and how the progress your campaign has contributed to the overall Coolsavings/Y-ME online fundraising campaign.*" or

Fig. 20, right column, [0082]]. Therefore, the updating of any other fundraising campaign statistics/results such as the goals cited above [0081], number of donors, who are the donors, dollar amount (\$) by stages, donor's amounts, etc., are inherently included (see Fig. 13) or would have been obvious as mere updating other similar features. {see also Fig. 1a, 0006, 0007, 0009, 0010, 0019, 0065, 0067, 0070, 0071, 0072, 0075, 0082, 0083}.

Therefore, COSTIN IV, et al fairly teaches the claimed invention except for:

1) further displaying a (one or more) virtual plaque (list) honoring the donor on step (g);

2) step (h) of "updating the virtual plaques (list) on the web pages to inherently recognize new donors";

3) step (i) of "forming teams ....., wherein the teams compete with each other to raise money;" and

4) step (j) of "displaying participant (team) ranks on the virtual plaques".

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In a similar method of direct **marketing appeals** on **charitable (fundraising) marketing effectiveness**, SMITH et al cite several relevant charitable **appeals** or **factors** or **strategies**, i.e., an **increase** in **size** (amount) of donation for this year relative to last year by:

1) **exposure** (or **display**) to a **list** of other donors increases the response rate but not the average gift, however, when

2) **size** of others' donations was included in the **list**, the average donation increases {see page 5, 5<sup>th</sup> paragraph} for example (by the examiner's interpretation):

**LIST**

	<u><b>Donors</b></u>	<u><b>Amount Donation (\$)</b></u>
1.	Jane Doe	200.00
2.	Participant 2.	100.00
3.	Participant 3.	125.00

(etc., see page 5, 5<sup>th</sup> paragraph).

It would have been obvious to modify the fundraising campaign of COSTIN IV, et al by including the above **strategies** (1) and (2) for the benefit of increasing the size of donation for this year relative to last year in the campaign by: (g) listing of donors, top-three or five list, size of donations in the list, etc. as taught by SMITH et al for the benefits (2) of increasing (1) the response rate and (2) average donation or increasing the size of donation this year as compared to last year. As for the term plaque (or showing of a list on the website), this read over the showing of the **list** of the donors and size of donations as taught by SMITH et al when appear on the website of COSTIN IV

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et al. As for the term virtual (or cyber or on Internet or web), this is taught in COSTIN IV et al and inherently included when combining COSTIN IV et al and SMITH et al. As for the limitation of "honoring the donor", this is inherently included when showing the list above and inherently included in the teachings of COSTIN IV et al /SMITH et al. Note that SMITH et al fairly discloses the concept of displaying the list of donors, their positions on the list. Note that rearranging of the list items to show individual ranks, i.e, (1<sup>st</sup> for highest amount of donation, last for lowest amount of donation), would have been obvious to a person of skill in the art as mere equivalent/similar arrangement for clarity or identification purpose. Note that the concept of presenting donation figures in order from low to high for clarity and easy identification is also taught in (3) above.

As for the difference between the communication means for carrying the campaign, digital (website) vs. direct mail in COSTIN IV et al and SMITH et al, this is not critical since we deal with campaign strategies and would have been obvious to implement these strategies in the wide-area network campaign of COSTIN IV et al or regardless of the types of communication means. As for the updating function of the list or virtual plaque, this is well known campaign parameter as taught by COSTIN IV et al on Fig. 6 or 12 "To Date." or Fig. 13 above and would have been obvious to implement this known parameter for the listing of the donors in view of the teaching of SMITH et al if desired.

Therefore, the teachings of (1) COSTIN IV et al / (2) SMITH et al teaches the claimed invention except for: 3) step (i) of "forming teams ....., wherein the teams

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compete with each other to raise money;" and 4) step (j) of "displaying participant (teams) positions (ranks) on the virtual plaques".

In another similar charity fundraising campaign, BT Article is cited to teach the types of participation in a fundraising campaign such as an individual, as a family group, as a group of friends or as **teams competing** against each other to raise money for the campaign and winning the coveted BT Trophies (**prize**), which is top fundraisers winning a holiday of a lifetime to the La Manga Club Resort in Spain, awarded for (1) speed of performance or (2) fundraising success (raising the most money) {see page 1 and 2, notes (1) or (2)}.

In another similar charity fundraising campaign, LEUKAEMIA Article is cited to teach the types of participation in a fundraising campaign such as an individual, as a family group, as a group of friends or as **teams competing** against each other to raise money for the campaign {see page 5, left column}. It would have been obvious to modify the teachings of COSTIN IV et al /SMITH et al by changing the type of participation to forming teams to participate in the campaign and compete with each other to raise money as taught by BT Article or LEUKAEMIA Article as mere using other similar participation types or alternatives or options. Furthermore, it's well known that team competition normally improve the morality and people involvement as compared to individual type but at the expense of inconvenience to get all the people together. As for the teaching of step (j), the displaying of the participant/donor (team) positions (ranks) on the plaque (list), this is fairly by SMITH et al as shown above. As for the term "ranks" which is equivalent to the term "position" relative to each other, this has been

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discussed in the previous paragraph below the "LIST". Furthermore, since BT Article teaches the awarding of the "top fundraiser" with winning prize, it would have been obvious to modify the teachings of COSTIN IV et al /SMITH et al /BT Article by arranging the list of donor in ranking position, top fundraiser to bottom fundraiser, to effectively monitor or track the campaign performance effectiveness. Alternatively, Official notice is taken that the step of displaying (showing) participant (individual or team) position/rank periodically in a competition event (campaign/season) to track progress (performance) of the participant is old and well known (see NFL (team position/rank after each game), LPGA, Tour De France (individual positions, and team positions/ranks after each stage). Therefore, it would have been obvious to implement the displaying of the participant (team) ranks in COSTIN IV et al /SMITH et al /BT Article or LEUKAEMIA Article in order to track the progress of the participant.

As for dep. claims 59-60 (part of 58), which deals with well known fundraising campaign parameter, i.e. contacting 3<sup>rd</sup> party to provide more information about participants such as a team participating in a competition associated with the campaign, this is non-essential to the scope of the claimed invention and would have been obvious in view of the teachings of COSTIN IV et al /SMITH et al and BT Article or LEUKAEMIA Article above, especially in COSTIN IV et al [0010, 0019].

As for dep. claim 61 (part of 58), which deals with well known fundraising campaign parameter, i.e. tracking the progress of the campaign by providing real time status of fundraising campaign, this is taught or inherently included in COSTIN IV et al on Fig. 6, "**Donation-to-date**", "**To Date**:", Fig. 12, or [0063 "**tracking donor's**",

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***“instantaneous, easier to track***, “funds typically are received ***immediately***”, [0072], [0081 ***“tracking information related to fundraising campaign”***] or [0082 ***“dollar amount by stages”***] }. Alternatively, it would have been obvious to provide a real time status (today, to-date) of the campaign in the report to effectively track the progress of the campaign as taught by COSTIN IV et al above.

As for dep. claims 62-67 (part of 58), which deals with well known fundraising campaign parameter, i.e. joining, forming a team or recruiting new members, these are none-essential to the scope of the claimed invention and are fairly taught in BT Article or LEUKAEMIA Article as cited above.

As for dep. claims 68-72 (part of 58), which deals with well known fundraising campaign parameter, i.e. the campaign including other special athletic event, entertainment event, or other community events, these are none-essential to the scope of the claimed invention and are fairly taught in COSTIN IV et al Figs. 7-9, [0066, 0086] or BT Article or LEUKAEMIA Article as cited above.

As for dep. claims 73-75 (part of 58), which deals with well known fundraising campaign parameter, i.e. providing a personal web page with link and email for a solicitor, these are fairly taught in COSTIN IV et al [0010, 0012, 0013].

As for dep. claim 76 (part of 58), which deals with well known fundraising campaign parameter, i.e. wherein the report includes donor's benefits such as tax related information, this is non-essential to the scope of the claimed invention and is fairly taught in COSTIN IV et al Fig. 5, [0073, 0080].

As for dep. claim 77 (part of 58), which deals with the type of wide area network, the Internet, this is non-essential to the scope of the claimed invention and is fairly taught in COSTIN IV et al Fig. 1a, Fig. 2, [0007].

As for dep. claims 78-80 (part of 58), which deals with well known fundraising campaign parameter, i.e. the type of the organization, this is non-essential to the scope of the claimed invention and is fairly taught in COSTIN IV et al [0003, 0012].

As for dep. claims 78-80 (part of 58), which deals with well known fundraising campaign parameter, i.e. the type of the organization, this is non-essential to the scope of the claimed invention and is fairly taught in COSTIN IV et al [0003, 0012].

As for dep. claim 81 (part of 58), which deals with well known fundraising campaign parameter, i.e. a person conducts the campaign, this is non-essential to the scope of the claimed invention and is fairly taught in COSTIN IV et al [0084 "individual or student"].

Alternatively, the various adjustments of the fundraising parameters as shown in the dependent claims 59-81, are considered as optimizing fundraising operating conditions or result effective variables /parameters and the optimizing of result effective variables is considered as routine experimentation to determine optimum or economically feasible reaction conditions and would have been obvious to the skilled artisan, absent evidence of unexpected results. In re Aller, 105 USPQ 233. Moreover, they are fairly taught in COSTIN IV et al [0082, 0084, 0086, especially 0087 "*other embodiments and uses will be apparent to the skilled artisan*"].

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**14. As for independent apparatus claim 82, which is the system to carry out the independent method claim 58 above, it's rejected over the system (means for) to carry out the method claim (step of) as rejected by (1) COSTIN IV, et al in view of (2) SMITH et al and (3) BT Article or (4) LEUKAEMIA Article as indicated above.**

As for dep. claims 83, 86-89, 84-85, 90-101, (part of 82), which have the same limitations as in dep. claims 59, 62-64, 67, 60-61, 68-81 (part of 58) above, they are rejected for the same reasons set forth in dep. claims 59, 62-64, 67, 60-61, 68-81 above.

**15. As for independent program product claim 102, which is the program file to carry out the independent method claim 58 above, it's rejected over the program file to carry out the method claim (step of) as rejected by (1) COSTIN IV, et al in view of (2) SMITH et al and (3) BT Article or (4) LEUKAEMIA Article as indicated above.**

**16. Claims 58-81 (method<sup>1</sup>), 82-101 (apparatus<sup>1</sup>), 102 (program<sup>1</sup>) are rejected (2<sup>nd</sup> time) under 35 U.S.C. 103(a) as being unpatentable over (1) COSTIN IV, et al (US 2002/0049816) in view of (2) SMITH et al (Article "The Impact ... Charitable marketing effectiveness, Summer1996") and (3) King's Article and (4) Article "BT: Sheryl Gascoigne ...Swimathon '99 (hereafter as "BT Article")**

As for independent claims 58, 82, and 102, the teachings of COSTIN IV et al /SMITH et al /BT Article is cited above. In a similar fundraising campaign over a wide area network, KING's Article is cited to teach the use virtual plaque (cyberplaquing or

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electronic plaquing or electronic recognition), i.e., concept of honoring special friend or benefactor (see pages 1 and 3). It would have been obvious to modify the teachings of COSTIN IV et al /SMITH et al /BT Article by including virtual plaque as taught by KING's Article for honoring the donor.

As for the rejections of dep. claims 59-81, 83-101, they are rejected for the same reasons set forth above (to avoid repeating of rejections).

#### ***Affidavit / Declaration***

**17.** The Affidavit in Support of Nonobviousness filed on 1/27/04 has been reviewed but not found persuasive. It's not clear whether the results, 2003 for a 6.6x time growth, is due to the elements (3) shown in the claimed invention, (1) *the virtual plaques*, (2) *team competition* and (3) *team ranks*, as mentioned on paragraph (4.) by the inventors. The result could be caused by the effective using of the Internet and this is obvious in view of the teaching of COSTIN IV et al on [0003] of "**exploding**" results due to the use of **online fundraising**. Applicant needs to submit objective results showing regular online donations **with and without** the three (3) elements cited above show the examiner can be convinced that the increase is not due only by the use of Internet as taught by COSTIN IV et al above. Applicant's statement on paragraph (7) on the 2<sup>nd</sup> page with respect to the use of the Internet has been reviewed but this is not specific enough or does not include objective evidences. What are the results on online donations in 2000, 2001, 2004. Are the results after the implementations of (3) items above consistent or merely a surge in one year (i.e. 2003)?

**Conclusion**

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US 6,406,369 is cited to teach well known concept of displaying of participant's (individual or team) positions/ranks in a competition event (Fig. 3, 52-60) to track player's progress {see col. 6, Fig. 3}

2) US 6,122,559 is cited to teach well known concept of displaying real time data about participant's (individual or team) positions/ranks in a competition event to track player's progress {see col. 1, lines 1-15, col. 2, lines 1-15}. Note that it teaches the displaying position/ranks is applicable to "**or any other contest, competition, event or situation**" for "**tracking player's progress**". Therefore, this is well known and old concept in a competition or contest or campaign event, including fundraising.

No claims are allowed.

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19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

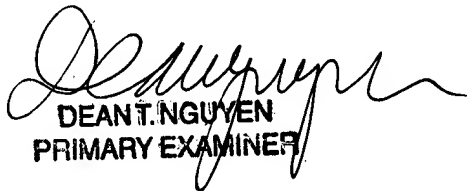
In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail [CustomerService3600@uspto.gov](mailto:CustomerService3600@uspto.gov).

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn  
October 26, 2005

  
DEAN T. NGUYEN  
PRIMARY EXAMINER